

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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ERVIN MIDDLETON,

Plaintiff,

V.

BANK OF AMERICA, NA.,

Defendants.

Case No. 2:15-cv-01867-APG-NJK

ORDER DENYING MOTION FOR RECONSIDERATION

(ECF No. 8)

10 Plaintiff Ervin Middleton moves for reconsideration but it appears that Middleton has
11 filed this motion in the wrong case. For example, Middleton references an “affiant” but there is
12 no affiant in this case. ECF No. 8 at 3. Middleton also states the court “exceeded its authority in
13 determining that Plaintiff was NOT harmed in BOA exceeding the time allotted for responding by
14 18 days, and altering sworn testimony in doing so.” *Id.* The court made no such ruling in this
15 case. Neither of the defendants has appeared in this action and thus has not filed any papers,
16 much less one that was 18 days late.

17 Middleton's complaint was initially dismissed because: (1) venue was improper, (2)
18 Middleton lacked standing as he was not the borrower on the loan, and (3) Middleton failed to
19 allege the property at issue was the principal dwelling of the person to whom credit was issued
20 pursuant to 15 U.S.C. § 1635(a). ECF No. 3. He was given until November 30, 2015 to amend.
21 *Id.* Middleton did not file an amended complaint, so Judge Koppe recommended I dismiss the
22 case without prejudice. ECF No. 5. Middleton did not object, so I dismissed the case without
23 prejudice. ECF No. 6. Middleton's motion does not offer any basis for reconsideration of the
24 orders actually issued in this case.

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1 IT IS THEREFORE ORDERED that plaintiff Ervin Middleton's motion for
2 reconsideration (**ECF No. 8**) is **DENIED**.

3 DATED this 1st day of March, 2017.

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5 ANDREW P. GORDON
6 UNITED STATES DISTRICT JUDGE
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